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8 *Attorneys for Defendant*
9 *Wal-Mart Stores, Inc.*

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 BRENDA JOHNSON, an individual;

13 Plaintiff,

14 v.

15 WAL-MART STORES, INC., a Delaware
Corporation, d/b/a Wal-Mart Supercenter
#2402; doing business in Nevada, DOES I
16 through X, and ROE Corporations VI through
X, inclusive,

17 Defendants.
18

Case No.:

[District Court for Elko County, NV, No. CV-
C-19-575, Dept. I]

**DEFENDANT WAL-MART STORES,
INC.'S PETITION FOR REMOVAL OF
CIVIL ACTION**

[JURY DEMAND]

19 COMES NOW Petitioner WAL-MART STORES, INC. (hereinafter "Defendant" or
20 "Walmart"), by and through their attorneys, the law offices of PHILLIPS, SPALLAS & ANGSTADT,
21 LLC, and hereby submits and respectfully shows:

22 I.

23 Petitioner WAL-MART STORES, INC. is a named Defendant in the above-entitled
24 action.

25 II.

26 The above-entitled action was commenced by Plaintiff BRENDA JOHNSON (hereinafter
27 "Plaintiff") on November 18, 2019, in the Fourth Judicial District Court in and for Elko County, State
28 of Nevada. A true and correct copy of Plaintiff's Complaint is attached hereto as **Exhibit "A."**

1 Defendant filed an Answer on December 26, 2019. A true and correct copy of Defendant's Answer is
2 attached hereto as **Exhibit "B."** On January 30, 2020, Plaintiff served a "Documents and Witness List
3 Produced by Plaintiff at the NRCP 16.1 Early Case Conference" (the "Disclosure Statement") in which
4 it was stated on pages 5 and 6 that Plaintiff's past medical damages now totaled \$17,553.87, her alleged
5 future medical expenses totaled \$876,335.34, and her alleged "Loss of Income" damages totaled
6 \$1,713,140.00, for a total of \$2,607,009.21. A true and accurate copy of Plaintiff's Disclosure Statement
7 is attached hereto as **Exhibit "C."**

8 III..

9 This Petition is timely filed pursuant to 28 U.S.C. § 1446(b).

10 IV.

11 This is a civil action over which this Court has jurisdiction pursuant to 28 U.S.C. § 1332(a), and
12 is one which may be removed to this Court by Petitioner, pursuant to 28 U.S.C. § 1441(a).

13 V.

14 Petitioner is informed, believes, and thereon alleges that Plaintiff Brenda Johnson is, and was at
15 the time this action was commenced, a citizen of the State of Nevada.

16 VI.

17 Defendant Wal-Mart Stores, Inc. is, and was at the time this action was commenced, a Delaware
18 corporation with its principal place of business in the State of Arkansas, and therefore a citizen of the
19 State of Delaware and a citizen of the State of Arkansas.

20 VII.

21 The above-entitled civil action is for personal and economic damages Plaintiff allegedly incurred
22 from an incident at a Walmart in Elko, Nevada.

23 VIII.

24 A copy of Defendant's Petition For Removal Of Civil Action, seeking removal of the above-
25 entitled action to the United States District Court, District of Nevada, together with a copy of the
26 Summons and Complaint, have been deposited with the Deputy Clerk in the County Clerk's office for
27 the Fourth Judicial District Court in and for Elko County, Nevada.

28 ...

IX.

True and correct copies of all pleadings and papers served upon Petitioner in the above-entitled action are filed herewith.

X.

This Petition is filed with the Court within thirty (30) days after Petitioner first learned that Plaintiff's past medical damages now totaled \$17,553.87, her alleged future medical expenses totaled \$876,335.34, and her alleged "Loss of Income" damages totaled \$1,713,140.00, for a total of \$2,607,009.21, as is evidenced on pages 5 and 6 of Plaintiff's Disclosure Statement (**Exhibit "C"**).

XI.

Plaintiff's claims for damages, as well as the complete diversity of the parties, meet the requisite requirements set forth by 28 U.S.C. §1441(b) and 29 U.S.C. §1332.

PRAYER

WHEREFORE, Defendant prays that the above-entitled action be removed from the Fourth Judicial District Court in and for Elko County, Nevada, to this Court.

DATED this 6th day of February, 2020.

PHILLIPS, SPALLAS & ANGSTADT LLC



ROBERT K. PHILLIPS, ESQ.

Nevada Bar No. 11441

DANIEL E. JOSLYN, ESQ.

Nevada Bar No. 14725

504 South Ninth Street

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(702) 938-1510

*Attorneys for Defendant
Wal-Mart Stores, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of February, 2020, I served a true and correct copy of the foregoing, **DEFENDANT WAL-MART STORES, INC.'S PETITION FOR REMOVAL OF CIVIL ACTION**, as follows:

☒ By facsimile addressed to the following counsel of record, at the address listed below:

☒ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;

☐ By Hand Delivery (ROC); and/or

☒ By Electronic Filing/Service Notification through CM/ECF to:

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTY
KIDWELL & GALLAGHER, LTD. Barbara W. Gallagher, Esq. Nevada Bar No. 005315 790 Commercial Street Elko, Nevada 89801	Phone 775-738-1000 Fax 775-753-8600	Plaintiff

/s/ Courtney Hackett

An Employee of PHILLIPS, SPALLAS & ANGSTADT, LLC